

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 27, 2007

The following case is submitted this date:

H031220 RAKHRA v. KNIGHT RIDDER, INC. SAN JOSE MERCURY NEWS

H030419 SESTO v. KACHAN

The judgment is reversed. Appellant is awarded her costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed August 27, 2007

TUESDAY, AUGUST 28, 2007

The following cases are submitted this date:

H030220 PEOPLE v. RUBALCABA

H030026 PEOPLE v. LACERDA

H030376 PEOPLE v. INFANTE

H030153 PEOPLE v. ROMEO

H029224 PEOPLE v. BAEZ

H030128 PEOPLE v. VEST

H029793 PEOPLE v. GUTIERREZ

H028708 PEOPLE v. ROMERO

H030977 WEST CLIFF LYNCH ASSOC., LLC v. CITY OF SANTA CRUZ;
OROZCO, et al.

H030839 WEST CLIFF LYNCH ASSOC., LLC v. CITY OF SANTA CRUZ;
GURRERO, et al.

H029705 PEOPLE v. THORESON

H029397 PEOPLE v. ARMSTRONG

The judgment is reversed, and the matter is remanded for resentencing. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 28, 2007

Sixth Appellate District

San Jose, California

Tuesday, August 28, 2007 (continued)

H031280 In re SKYLER C.; MONTEREY CO. DSES v. AMBER B.

The order terminating appellant's parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to order the Department (1) to make appropriate inquiry concerning any Native American ancestry; (2) if and as warranted, to provide all known ancestral information to all affected tribes; and (3) if notice is given, to file any proofs of receipt of such notice by the tribes, along with a copy of any notices sent and any responses received. In the event that notice is given but no tribe responds, or if any responses received indicate that Skyler is not an Indian child within the meaning of the Indian Child Welfare Act, then the order terminating parental rights shall be immediately reinstated. In the event that notice is given and any tribe determines that Skyler is an Indian child within the meaning of the ICWA, then the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 5.664 of the California Rules of Court. The court shall reappoint trial counsel to represent appellant in connection with these proceedings on remand. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 28, 2007

H029105 BO WEI, et al. v. GREAT WALL TECHNOLOGY COMPANY, et al.

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.) Filed August 28, 2007

H029729 PEOPLE v. RENTERIA

The trial court is directed to modify the judgment to reflect that the enhancement under Penal Code section 12022.5, subdivision (a), found true with regard to the murder of Abelardo Chavez, is stricken, not stayed. As so modified, the judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.) Filed August 28, 2007

H030885 PEOPLE v. SEAN WILLIAMS

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed August 28, 2007

Sixth Appellate District

San Jose, California

Tuesday, August 28, 2007 (continued)

H030284 GRAY v. GRAY

The order providing for appointment of James's defined benefit pension per the time rule is reversed. The matter is remanded to the trial court with directions to exercise its discretion to equitably apportion the defined pension benefits and divide the community interest in accordance with Family Code sections 2610, subdivision (a), and 2550. We express no opinion on the proper method of apportionment, i.e., per the time rule or any other particular formula. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 28, 2007

H031220 RAKHRA v. KNIGHT RIDDER, INC., SAN JOSE MERCURY NEWS

The judgment of dismissal is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 28, 2007

H030739 PEOPLE v. RAMIREZ

The trial court is directed to modify the abstract of judgment to strike the conviction on count two for grand theft in violation of Penal Code sections 484/487, subdivision (a), and to forward the modified abstract to the Department of Corrections. As so modified, the judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 28, 2007

H030102 PEOPLE v. ALLEN

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 28, 2007

H030592 PEOPLE v. JESSICA O.

We affirm the July 2006 order committing the minor to the California Youth Authority. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 28, 2007

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 29, 2007

H030550 SHEPPARD on Habeas Corpus

The trial court's order granting Sheppard's writ of habeas corpus is reversed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 29, 2007

THURSDAY, AUGUST 30, 2007

H029655 CONNOR v. KATZEN; CONNOR

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed August 30, 2007

H030200 PEOPLE v. SALAZAR

The probation order is modified to state that defendant: "Not possess, wear, use or display any item prohibited by the Probation Officer and known to be associated with membership or affiliation in a gang, including but not limited to any insignia, emblem, button, badge, cap, hat, scarf, bandana, or any article of clothing, hand sign or paraphernalia." As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 30, 2007

H031115 PEOPLE v. RANGEL

The trial court properly denied defendant's motion to suppress. Accordingly, the judgment of conviction is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed August 30, 2007

H029909 FORTE v. O'FARRELL

The judgment is affirmed. Judge O'Farrell is entitled to his costs on appeal. (not published)

(Rushing, P.J.; We concur: Premo, J., McAdams, J.)

Filed August 30, 2007

H026889 PEOPLE v. LOWE

The judgment of dismissal is reversed, and the charges against defendant Daniel Lowe are reinstated. (*People v. Lowe* (2007) 40 Cal.4th 937,947.) (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 30, 2007

Sixth Appellate District

San Jose, California

Thursday, August 30, 2007 (continued)

H029988, H029772, H029677 PELLEGRINI, et al. v. WEISS et al.

Case number H029667 is dismissed as taken from a nonappealable order. That portion of the appeal, case number H029988, purporting to appeal from the denial of the JNOV by operation of law is dismissed as untimely. Appeals H029772 and H029988 shall proceed in due course on all remaining issues consistent with this opinion and shall be considered together for the purposes of oral argument and disposition (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 30, 2007

H030507 PEOPLE v. PEA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed August 30, 2007

H029603 BENNION et al. v. COUNTY OF SANTA CLARA

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed August 30, 2007

FRIDAY, AUGUST 31, 2007

H030270 PEOPLE v. HUTCHERSON

The judgment is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 31, 2007

H030194 PEOPLE v. GUZMAN

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed August 31, 2007

H030672 JOHNSON v. JAMIESON, et al.

The order dismissing the complaint is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed August 31, 2007

Sixth Appellate District

San Jose, California

Friday, August 31, 2007 (continued)

H030490 AURIGNAC, et al. v. AURIGNAC, et al.

The judgment is affirmed. Respondents are awarded their costs on appeal. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed August 31, 2007

H030502 SANTA CLARA CO. DEPT. OF CHILD SUPPORT SERVICES v. ROLDAN-LOPEZ

The order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed August 31, 2007